

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Daniel Van Valkenburg**

**Docket No. 5:00-M-272-1**

**Petition for Action on Probation**

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daniel Van Valkenburg, who, upon an earlier plea of guilty to 21 U.S.C. § 844 (a), Possession of Marijuana, was sentenced by the Honorable Alexander B. Denson, U.S. Magistrate Judge, on July 12, 2000, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 60 hours of community service at the rate of five (5) hours per month during the probationary term as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the required \$100 fee is to be waived.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On October 19, 2000, based on his drug use history, the court modified the defendant's probation to include the following condition:

3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

On July 9, 2008, the defendant appeared before the court for a probation revocation hearing. The probation was continued with the following modifications:

1. That the term of supervision be extended for 4 months from the hearing date of July 9, 2008, until November 9, 2008.
2. The defendant shall be confined intermittently in the custody of the Bureau of Prisons for a period of 30 days as directed by the U.S. Probation Office and shall abide by all rules and regulations of the designated facility.
3. That the term of supervision be terminated upon the completion of the 30 days confinement.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

The defendant has been serving his jail term on weekends and has completed 18 of the 30 days. In the last month, however, he developed a medical condition which prevented his admission to the jail. This condition has now been treated. In order for him to complete the remaining jail weekends, his case will need to be extended. Although the weekends can be completed in a month, we recommend that the case be extended for two months in case further medical treatment is required. The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. That the term of supervision be extended 2 months from the expiration date of November 9, 2008, until January 9, 2009.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

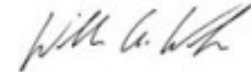
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.  
Van R. Freeman, Jr.  
Senior U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: October 28, 2008

**ORDER OF COURT**

Considered and ordered this 28th day of October, 2008, and ordered filed and made a part of the records in the above case.

  
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William A. Webb  
U.S. Magistrate Judge